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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,235	04/13/2004	Russell John Pytkki	A202 1441.2	4063
26158	7590	12/15/2005		
WOMBLE CARLYLE SANDRIDGE & RICE, PLLC P.O. BOX 7037 ATLANTA, GA 30357-0037				
			EXAMINER JOHNSON, BLAIR M	
			ART UNIT	PAPER NUMBER
			3634	

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/823,235

Applicant(s)

PYLKKI ET AL.

Examiner

Blair M. Johnson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 55-80, 84-86, 88-112 and 115-174 is/are pending in the application.
- 4a) Of the above claim(s) See Continuation Sheet is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 55-61, 68, 78-80, 84-86, 88-93, 95-112, 118, 119, 122-133, 136, 146, 149-151 and 154-174 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/13/04; 7/19/04; 11/3/04; 12/27/04</u> | 6) <input type="checkbox"/> Other: _____ |

Continuation of Disposition of Claims: Claims withdrawn from consideration are 62-67,69-77,94,115-117,120,121,134,135,147,148,152 and 153.

Election/Restrictions

Applicant's election is acknowledged. However, upon reconsideration, the requirement to select of a specie from the group comprising the opening sizes is rescinded. It is not felt that the various sizes of openings claimed are patentably distinct.

The claims to be examined are as follows: 55-61,68,78-80,84-86,88-93,95-112,118,119,122-133,136-146,149-151 and 154-174. Claims 62-67,69-77,94,115-117, 120,121,134,135,147,148,152 and 153 are nonelected. Claims 1-54,81-83,87,113 and 114 have been canceled.

Claim Rejections - 35 USC § 112

Claims 85,86,88,89,93,95-97 and 100-112 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "transmittance" and "reflectance" are ambiguous. It is not clear if such transmittance and reflectance is a function of insect, light, air, electromagnetic wave, etc., passage or reflectance.

In claim 86, the phrase "the percent open area facilitates increased airflow" is ambiguous since the open area is a set number which would not facilitate "increased" airflow.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 84-86 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Strauss.

Strauss discloses a screen material which has the intersections of the components thereof joined by way of a coating which does not close the mesh. See page 3, first full paragraph.

Claims 88,89,90-92,101-105,111,112,118,122-128,132,136-141,145,149,150,154-160 and 164-171 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by Applicant's disclosure.

On page 13, Applicant discloses that example 6 is "commercially available" from TWP, Inc. Example 6 has a transmittance of 0.897 and a diameter of 0.0012 in., along with an open area of 88%. Regarding the reflectance, the value 0.044 would be rounded down to 0.04 and therefore meets the "0.04" limitation.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 129-131, 142-144, 161-163 and 172-174 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's disclosure, referred to above.

The specific size of the opening is an obvious matter of choice of design. One of ordinary skill in the art in possession of the TWP screen would have found changing the size of the opening to alter the reflectance and percent open area an obvious design choice.

Claims 55-61, 68 and 78-80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strauss in view of Uschold.

Strauss is discussed above. Further, the coating of a material for the purpose of reducing light reflectance is disclosed by Uschold et al. He provides a matte finish using a polymer coating having a thickness in the range of 0.1 to about 1.5 mils. See column 3, line 10- column 4, line 37. In view of this teaching, it would have been obvious to modify Strauss to have such a coating so as to reduce glare.

Claim 59 recites a process and does not affect the structure of the claim. Claim 61 also recites materials "derived" from other materials which also does not constitute a structural limitation.

Claims 93, 95, 96, 106-109, 119, 133, 146 and 151 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's disclosure in view of Japanese patent No. 195646.

'646 discloses a framed screen door which is concerned with reflection whereby he coats his screen with "light absorbable black color", abstract. It would have been obvious to coat the presently disclosed screen material with such a color, as

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suggested by '646.


Claims 97-100, 109 and 110 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's disclosure (see above) in view of Strauss.

The use of a coating to bind the elements of a screen is taught by Strauss, as discussed above and it would have been obvious to modify the disclosed screen to have such adhesive so as to increase the integrity of the grid.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blair M. Johnson whose telephone number is (571) 272-6830. The examiner can normally be reached on Mon.-Fri., 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Blair M. Johnson
Primary Examiner
Art Unit 3634

BMJ
12/1/05